

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF COMMERCE

In the Matter of Scott Waste, doing
business as National Energy Systems,
and doing business as Scott's Roofing

PREHEARING ORDER

A prehearing conference was held on February 10, 2005, at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401. Michael J. Tostengard, Assistant Attorney General, 445 Minnesota Street, Suite 1200, Saint Paul, MN 55101-2130, appeared on behalf of the Department of Commerce. Thomas F. Hutchinson, Eastlund, Solstad, Cade & Hutchinson, Ltd., 4200 County Road 42 West, Savage, MN 55378-4048, appeared on behalf of Scott Waste.

IT IS HEREBY ORDERED:

1. The parties shall cooperate to complete any necessary discovery.
2. This matter is scheduled for hearing on **May 12, 2005**, commencing at **9:30 a.m.** at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401.
3. The parties shall exchange proposed written exhibits and witness lists, and file an index of exhibits and a copy of the witness list with this office by **May 5, 2005**. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit must notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.
4. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **May 5, 2005**.
5. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us.
6. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

Dated this 11th day of February 2005.

/s/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge